

**CITY OF NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 100 Civic Center Drive**  
**Thursday, June 20, 2013**  
**REGULAR MEETING**  
**6:30 p.m.**

I. **CALL TO ORDER** - The meeting was called to order at 6:30 p.m.

II. **PLEDGE OF ALLEGIANCE** – Chair Toerge

III. **ROLL CALL**

PRESENT: Ameri, Brown, Hillgren, Myers, Toerge, and Tucker

ABSENT (Excused): Kramer

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Marlene Burns, Administrative Assistant; Tony Brine, City Traffic Engineer; and Patrick Alford, Planning Manager

IV. **RECOGNITION OF CHAIR MICHAEL TOERGE FOR HIS DEDICATION AND YEARS OF SERVICE ON THE PLANNING COMMISSION.**

Chair Toerge requested moving the aforementioned item to the latter portion of the meeting.

V. **PUBLIC COMMENTS**

Chair Toerge invited those interested in addressing the Planning Commission to do so at this time.

Mr. Jim Mosher commented on memorializing the names of past Planning Commissioners and suggested including information on the website of past and present Planning Commissioners as well as their terms of service. Additionally, he noted that the next regular meeting of the Planning Commission would fall on July 4, 2013 and hoped that procedures will be followed regarding rescheduling the meeting as well as the election of officers.

Chair Toerge closed the public comments portion of the meeting.

VI. **REQUEST FOR CONTINUANCES** - None

VII. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF JUNE 6, 2013**

**Recommended Action:** Approve and file

Chair Toerge noted comments that were received from Mr. Mosher with changes to the minutes and that these will be incorporated into the revised minutes.

Interested parties were invited to address the Planning Commission on this item.

Mr. Mosher suggested other changes to the minutes in addition to the written comments he submitted previously.

There being no others wishing to address the Planning Commission, Chair Toerge closed the public comments for this item.

**Motion** made by Commissioner Brown and seconded by Commissioner Ameri and carried (5 – 1 – 1), to approve the minutes of June 6, 2013, as corrected.

AYES: Ameri, Brown, Myers, Toerge, and Tucker  
NOES: None  
ABSTENTIONS: Hillgren  
ABSENT: Kramer

**VIII. CURRENT BUSINESS****ITEM NO. 2      RECOMMENDATION PERTAINING TO RESIDENTIAL LOT MERGERS (PA2012-102)**  
**Site Location: Citywide**

Planning Manager Patrick Alford introduced and presented the background of the item, including Council consideration and direction as well as prior considerations by the Planning Commission. He presented details of a memorandum with findings and recommendations to the City Council. He noted a substitute recommendation from Commissioner Tucker, also for the Planning Commission's consideration.

Chair Toerge thought that recommendations were broken down into four (4) components including recommending to the City Council to not allow floor-area ratio increases on merged lots and to not expand setbacks.

Mr. Alford reported that the issues were addressed in the findings.

Chair Toerge felt that Commissioner Tucker's recommendations are appropriate and that discussions regarding setbacks included whether or not to apply them City-wide.

Commissioner Myers commented on the setbacks not being more than twenty (20%) percent of the lot width. He questioned why that was not made part of the recommendation.

Chair Toerge recalled that a recommendation was made not to modify the setbacks.

Mr. Alford stated that his impression was that these recommendations were only made if the City Council chose to go in that direction and that it would return to the Planning Commission with further direction.

Chair Toerge suggested including recommendations regarding floor-area-ratios and modifying the setbacks.

Commissioner Tucker recalled the same as Chair Toerge relative to the setbacks, as well as allowing five (5)-foot setbacks fifty (50)-foot lots and related Code requirements. He agreed with leaving the setbacks alone, unless the City Council decided to modify them. He stated that the Planning Commission opted to engage the City Council.

Vice Chair Hillgren commented on instances where a lot would be significantly greater than the typical lot and asked if there was discussion related to large lots.

Chair Toerge stated that efforts were focused on changing and clarifying the finding that deals with lots and nearby lots as opposed to development, establishing no changes to setbacks and limiting floor-area as previously recommended.

Secretary Ameri commented on general statements covering the Chair's concerns and noted that the issues are included in the recommendations, but is not specifically stating amounts.

Vice Chair Hillgren commented on challenges with having larger lots having a more-favorable set of rules than other merged lots, not including it in the Subdivision Code but create a code that would provide an opportunity to review mass and bulk for merged lots in certain areas.

Interested parties were invited to address the Planning Commission on this matter.

Mr. James Mosher suggested clarifying terms, with which the City Council may not be familiar including maximum floor area. He addressed lot coverage and side setbacks.

There being no others wishing to address the Planning Commission, Chair Toerge closed the public comments for this item.

Chair Toerge stated wanting to incorporate corrections suggested by Mr. Mosher as well as specifically changing the recommendations to include the issue of floor-area ratio, that the changing setbacks would create inconsistencies, lot coverage and appropriate zoning.

Commissioner Tucker commented on specific recommendations including lot coverage limits and addressing it through initiation of zone changes.

Mr. Alford reported that the City Council is looking for direction on the original amendment.

Commissioner Tucker stated that he approves the recommendations as originally proposed by staff.

Chair Toerge noted that recommendations were finalized by straw vote during the last meeting and felt that these would simply be memorialized at this time. He felt that general language should be used but felt that language should be added to include the Planning Commission's specific recommendations and if further direction is provided, the item would return to the Planning Commission.

Commissioner Tucker felt that lot coverage was not discussed at the last meeting since it was assumed that it was already decided.

Secretary Ameri stated that the Planning Commission should make recommendations and if the City Council does not approve, they can return the matter to the Planning Commission for additional changes.

**Motion** made by Chair Toerge and seconded by Commissioner Brown and carried (5 – 1 – 1), to direct staff to submit the Planning Commission's findings and recommendations to the City Council, incorporating changes proposed by Mr. Mosher and specific recommendations related to floor-area ratios not exceeding the ratio before merging two or more lots, no changes to setbacks, and that changes apply only to specific zones within the City.

AYES:	Ameri, Brown, Hillgren, Myers, and Toerge
NOES:	Tucker
ABSTENTIONS:	None
ABSENT:	Kramer

#### **IX. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 3 MOTION FOR RECONSIDERATION** - None

**ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Deputy Community Development Director Brenda Wisneski reported that the next Planning Commission meeting will be July 18, 2013.

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT** - None

**ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES** - None

#### **IV. RECOGNITION OF CHAIR MICHAEL TOERGE FOR HIS DEDICATION AND YEARS OF SERVICE ON THE PLANNING COMMISSION.**

This aforementioned it was heard at this juncture.

Vice Chair Hillgren expressed the following comments regarding Chair Toerge:

"Mr. Chair, thank you. I missed your penultimate meeting because I was in the Soviet Union, or former Soviet Union. And so there's nothing like being in Moscow to give you a great appreciation for how we do business here in the United States, it is pretty remarkable. Of course I came home to find all of our higher elected officials embroiled in all kinds of stink, which is pretty fascinating and we really do have an amazing form of representative government that our founding fathers set-up for us. President Lincoln at one time called it, described it as, government of the people, by the people, and for the people. And you, I think really exemplify that as somebody who is involved for the people. You have been a remarkable mentor to me in a lot of ways when I joined this Commission four plus years ago. The voting was not as complex as this, but you happened to sit the chair next to me and you were a great tutor to me at the outset. I have always enjoyed all the things that I have learned from you overtime and I really appreciate all that you have done to make my experience what it's been on this Commission. As a Commissioner I have always found you to be incredibly well prepared whether you faked it or not you always came, what seemed to me, to be really really ready for the business of the evening. You brought to this process very valuable experience, your knowledge in real estate, your personal values and experiences that you have brought to the table have really been terrific and appreciated. You have brightened your own personal passion and your local knowledge and experience to really understand what it is to be representative of Newport

Beach and so that is something that I think everyone should recognize and appreciate. As the Chair, you have led us through some major projects not all of them easy, not many of them as easy as tonight. You have been through some challenging projects and you have run them all incredibly efficiently. You are firm but fair. You have always been very fair to all of the folks involved and I think as a result you have been incredibly effective and identified all of the critical issues that we've faced anytime that an application has been before us. I think that when you look at the lack of lawsuits that have come up on major projects that's truly due to the fact that you have done an amazing job covering all of the basis and anybody who has to work through something through the Planning Commission should come away with a sense of great confidence that the process has been done incredibly well. And personally you always have been gracious and courteous to everyone involved; all of us on the Commission, anyone who has had the courage to face this table, to the staff your style has been just terrific and so I think you have been an exemplary public servant you ought to be greatly thanked for it. I thank you personally for my ability to have observed you and the friendship that has evolved out of this. I think we often forget that this really is a gift of time. You have been very gracious to the City; you have given an amazing amount of time and effort on behalf of the citizens. You have been a most thoughtful representative of the applicants. You have let them make their case; you have allowed opposing voices to be heard, understood. They may not always carry the day, but you have always given everyone a chance to make their case and you have represented this City and this Commission incredibly well, so I have been honored to serve, I wish you all the best in whatever you elect to do and our City has been blessed to have you serve."

Secretary Ameri expressed the following comments regarding Chair Toerge:

"I am going to make it short, that's my style. Really I have known you for a little over three years when I came on this Commission; I have served on a lot of different boards and stuff, but I have found it to be a little uncomfortable at times in the ways that things have been discussed, but we have had a really good Chair and we do appreciate everything that Brad said and rather than repeat it, ditto and good luck to you Chair."

Commissioner Tucker expressed the following comments regarding Chair Toerge:

"Mr. Chair, unlike the rest of the Planning Commission, I had served about three and a half years by the time you got here, so I remember your early days on the Planning Commission, and your later days, and your in-between days. I think Brad has spoken very eloquently and the sense of the Planning Commission and how we all feel about you. So I won't try to repeat any of that, but I will observe, to me, what is really the attribute that you have that is really most valuable for this type of deliberative body and that is the ability to listen, you invite everybody's comments, you take everybody's comments seriously and I've seen it really over the years from the very start to virtually the end. If you hear something that's a better idea than what you've had or a better reason whether it from the Public or your fellow Commissioners even though you have staked out a position to change your mind and not just, 'Well, I have already said that I guess I better stick with it,' and I think that is just an incredible attribute and is very important to bring forth to what we do so that to me is one thing that I will always remember about Mike Toerge is I always felt well I will go ahead and make the argument and might have the chance to change his mind. And I am sure members of the Public feel the same way, because you had the ability to absorb what was going on and reach your own conclusion, but if you heard something better you went with it. It is quite an attribute. I know that you will make a fabulous City Councilman, now all you have to do is go out and get elected."

Commissioner Brown expressed the following comments regarding Chair Toerge:

"I agree with everything that has been said, particularly by Brad, we should have elected you to speak for us. It has been a terrific testament to Mike and I certainly endorse all those things, it was well thought out. It was great to listen to that so, thank you. Larry what you added, I agree with also and Fred with you as well. So not being able to add to that, I would like to tell you from a personal standpoint, when I was appointed to the Commission we were going through a very challenging time with Banning Ranch. I remember my very first meeting, I drove up and of course all of the folks from Banning Ranch were out there with signs, and I thought 'I know all of these people are not here to welcome me to the Planning Commission.' So there must be something big here and so was very, it was intimidating, I came from the Parks, Beaches, and Recreations Commission and we didn't have protestors very often. But, what I remember is that prior to the meeting you called me, when I was at school, he took the time to call me on my cell phone and I had received these notebooks. I was so overwhelmed by all these notebooks. We talked for about forty-five or fifty minutes and you made me feel a lot better about coming to this first meeting and about my ability to participate and to have a play in the meeting overall. To somebody who was very unsure at that time that was a very important thing you said to me, I want to point that out, that I will never forget that. I think I have seen you and I have sat next to you for over a year and a half and we have had some challenging meetings. And that meeting was a difficult meeting. One of the things that always occurred to me is that you did a great job of handling that meeting. And for the most in anything that I can think of you did just that, you did a

terrific job of managing some very difficult meetings. And I learned a lot from you and hope to continue to learn a lot from you. And I am glad that I have been a part of your Commission, thank you Mike."

Commissioner Myers expressed the following comments regarding Chair Toerge:

"Being the last in line to speak, I really can't add too much at this point. I certainly agree with Commissioner Hillgren's comments, very eloquent, and representative of all my thoughts. I am particularly struck by your thoughtfulness, your clear mindedness, your thoroughness for all the meetings. The fact that you do arrive with an opinion, but you are open minded to the discussions, and I think you are a role model for any board or commission member. I certainly appreciate your time and energy, thoughtfulness, and you tend to business quickly,

I personally appreciate the manner in which you have brought to me the insight as to how to approach the material before us. I really can't add too much at this point. Good luck and I certainly support your efforts to run for City Council, good luck. Thank you."

Ms. Wisneski thanked Chair Toerge, on behalf of the City and addressed his tenure on the Planning Commission. She expressed her appreciation to him for facilitating processes and presented him with a plaque in honor of his service to the City.

Interested parties were invited to address the Planning Commission on this matter.

Mr. Mosher expressed his appreciation to Chair Toerge for his willingness to explain actions prior to taking motions.

There being no others wishing to address the Planning Commission, Chair Toerge closed public comments for this item.

Chair Toerge's final comments as Chair:

"My final comments, well, when I started on the Commission, I'll just read off these Commissioners, Shant Agajanian, remember him? Steve Kaiser, Ann Gifford, Ed Selich, Mike Henn, Leslie Daigle, Jeff Cole, Earl McDaniel, Larry Tucker, Robert Hawkins, Barry Easton, Scott Peotter and Charles Unsworth. Those are all Commissioners I served with before this Commission; and of course, Brad Hillgren, Fred Ameri, Tim Brown, Jay Myers, and Kory Kramer. Ten years, nine months, two-hundred and sixty Planning Commission meetings, twelve hundred Public Hearings, and Mr. Mosher, I didn't count them, if you want to count them, go ahead, and more than one-hundred and twenty sub-committee meetings in addition to Planning Commission meetings. We've had three Planning Directors, a Community Development Director and a Deputy Community Development Director directing the City's meetings: Patty Temple, David Lepo, Jim Campbell, Kim Brandt, and of course, Brenda Wisneski. Four Assistant City Attorneys, two of them became Attorneys, City Attorneys, two City Managers, and I don't know what they do, and several Assistant City Managers. I do know what the City Manager does, no disrespect Dave. Too many Planners to name, but there were a number that were here when I joined and that would have been, of course, Jim Campbell, Patrick, Greg, Jaime Murillo and Rosalind, Melinda Whelan and Fern Nueno. They were all here when I got here, and, I appreciate all their help; Five Planning Secretaries, thanks Marlene, and two Traffic Engineers.

Fortunately, I'm feeling really lucky in that as a Planning Commissioner I was asked to serve on the sub-committee that rewrote the Local Coastal Plan. We rewrote the General Plan and we rewrote the Zoning Bill. And then, of course, all three of those documents, three most significant land-use governing documents in our City and were then run through the Planning Commission for recommendations by the City Council. And, I liked to say that the process, well those were several hundred pages, maybe thousand-page documents, really helped me understand what my role is and, particularly the General Plan. And, maybe I'm wrong here, but I don't know that any other Planning Commission in the City's history that has had the opportunity to rewrite all of those documents. And, I hope to take that with me in the future. Despite the volume of work throughout these almost eleven years, Suzanne will tell you, I never complained. I never complained once about the workload. I embraced it. I enjoyed it. It's been thrilling. And it's a really, really rewarding undertaking. I wish there were more people here that would learn my enthusiasm for having done it and what it has given to me far exceeds the demands of the role. And, I appreciate all the words that have been spoken here earlier, but there are a handful of words that mean more to me today than they did eleven years ago. And, I am very pleased and humbled that Larry brought up one of them, and that's listening. We learn when we listen. Patience and you know what I'm talking about here, that's probably the hardest one for me, patience. And tolerance, you know were not all alike and we shouldn't fight it we should get used to it and just embrace it, and I'm thankful that were not all alike. Consideration, you know we need to be

considerate of one another, all opinions, always. And then, follow that with leadership. Which is not about pleasing everybody, as we know, it's really about listening with patience, with tolerance and with consideration; and then, making decisions for the greater good of the community. And so, for my thanks, I want to thank my best friend and my partner, Suzanne Harris out there for her endless support and the many conversations we've had about topics that probably weren't top on her list, but meant a lot to me. Obviously, my fellow Commissioners, thank you for those great words and thank you for this incredible opportunity to serve with you, City staff members for all that you do and all you've done to make me and this Commission look good for almost eleven years, and I appreciate it and want to thank the members of the City Council for appointing me three times, but consistent with the comments I heard here today, and it's from my heart and truly, where I want to offer the greatest thanks is to the public, because the public does put their trust in a handful of people to make decisions for them. And, it's a responsibility that I've always taken very seriously and no matter how smart we are, no matter how smart any one of us thinks we are, no matter how well-traveled, well-read, nobody is as smart as the collective fabric of the public. Their collective wisdom, taken as a whole, from the best that each participant has to offer is what makes this process effective and great and of huge importance. And, when the public is heard, with patience, tolerance and consideration, great things happen. And so, here's to great things happening. Thank you very much."

**X. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:24 p.m.

The agenda for the Regular Meeting was posted on June 14, 2013, at 2:10 p.m., on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

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Michael Toerge, Chairman

\_\_\_\_\_  
Fred Ameri, Secretary

Mr. Alford reported that the City Council is looking for direction on the original amendment.

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AYES:	Ameri, Brown, Hillgren, Myers, and Toerge
NOES:	Tucker
ABSTENTIONS:	None
ABSENT:	Kramer

#### **IX. STAFF AND COMMISSIONER ITEMS**

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understand what it is to be a representative of Newport Beach and so that is something that I think everyone should recognize and appreciate. As the Chair, you have led us through some major projects not all of them easy, not many of them as easy as tonight. You have been through some challenging projects and you have run them all incredibly efficiently. You are firm but fair. You have always been very fair to all of the folks involved and I think as a result you have been incredibly effective and identified all of the critical issues that we've faced anytime that an application has been before us. I think that when you look at the lack of lawsuits that have come up on major projects that's truly due to the fact that you have done an amazing job covering all of the basis-bases and anybody who has to work through something through the Planning Commission should come away with a sense of great confidence that the process has been done incredibly well. And personally you always have been gracious and courteous to everyone involved; all of us on the Commission, anyone who has had the courage to face this table, to the staff your style has been just terrific and so I think you have been an exemplary public servant and you ought to be greatly-appropriately thanked for it. I thank you personally for my ability to have observed you and the friendship that has evolved out of this. I think we often forget that this really is a gift of time. You have been very gracious to the City; you have given an amazing amount of time and effort on behalf of the citizens. You have been a most thoughtful representative of the applicants. You have let them make their case; you have allowed opposing voices to be heard and understood. They may not always carry the day, but you have always given everyone a chance to make their case and you have represented this City and this Commission incredibly well, so I have been honored to serve with you and; I wish you all the best in whatever you elect to do and our City has been blessed to have you serve it."

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